WPMS No. 392 of 2007

Hon'ble Prafulla C. Pant, J.

Heard Sri Alok Kumar Singh, learned Senior Advocate assisted by Sri D. Barthwal, learned counsel for the petitioners. Also heard Sri Sharad Sharma, learned counsel for the respondents no. 3 and 4.

By means of this petition, the petitioners have challenged the order dated 11.04.2007, passed by Civil Judge, Senior Division, Dehradun, in Original Suit No. 99 of 2007, and have further sought quashing of order dated 19.04.2007 and 5.5.2007, passed by learned Additional District Judge / IInd Fast Track Court, Dehradun in M.C.A. No. 44 of 2007.

It appears that a suit was instituted by respondents no. 3 and 4, claiming themselves to be tenants of the petitioners, for injunction restraining defendants from disconnecting water connection and also a mandatory injunction was sought for getting electric connection. After hearing the parties, the trial court passed the order dated 11.04.2007, and a temporary injunction was granted, restraining the defendant no. 2 from disconnecting the water connection. The defendant no. 1 Uttaranchal Power Corporation Limited was directed to provide the electric connection. It appears that an appeal was preferred by the defendants before the lower appellate court, in which the order passed by the trial court was not stayed. Hence, this petition.

Having heard learned counsel for the parties, this Court is of the view that since no interim stay is passed in the appeal, in the interest of justice, it is necessary to direct that the appellate court should dispose of the M.C.A. No. 44 of 2007, without unreasonable delay within a period of one month from the date certified copy of this order is produced.

With these observations, the writ petition is disposed of summarily.

(Prafulla C. Pant, J.)

Dt. 16.5.2007
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